



# SENATE JOINT RESOLUTION No. 9

## DIGEST OF INTRODUCED RESOLUTION

**Citations Affected:** Articles 17 and 4 of the Constitution of the State of Indiana.

**Synopsis:** Legislative and congressional redistricting. Establishes a redistricting commission to draw congressional and legislative districts after the federal decennial census. Establishes principles for drawing districts. Repeals the constitutional provision for drawing legislative districts by the general assembly. This proposed amendment has not been previously agreed to by a general assembly.

**Effective:** This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

**Simpson**

January 11, 2005, read first time and referred to Committee on Elections and Civic Affairs.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular General Assembly.

## SENATE JOINT RESOLUTION No. 9

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana by adding Article 17 and by striking out Article 4, Section 5 of the Constitution of the State of Indiana.

*Be it resolved by the General Assembly of the State of Indiana:*

- 1 SECTION 1. The following amendment to the Constitution of the
- 2 State of Indiana is proposed and agreed to by this, the One Hundred
- 3 Fourteenth General Assembly of the State of Indiana, and is referred to
- 4 the next General Assembly for reconsideration and agreement.
- 5 SECTION 2. THE CONSTITUTION OF THE STATE OF
- 6 INDIANA IS AMENDED BY ADDING A NEW ARTICLE TO
- 7 READ AS FOLLOWS:
- 8 **ARTICLE 17. Redistricting Commission.**
- 9 **Sec. 1. General Assembly districts and Indiana congressional**
- 10 **districts shall be established as provided in this article.**
- 11 **Sec. 2. A redistricting commission consisting of five (5) members**
- 12 **is established.**



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1       **Sec. 3. (a) A member of the redistricting commission must have**  
 2       **the following qualifications:**

3       (1) A member of the redistricting commission must be a  
 4       registered Indiana voter.

5       (2) A member of the redistricting commission may not be a  
 6       resident of the same county as any other member of the  
 7       redistricting commission.

8       (3) A member of the redistricting commission may not have  
 9       been any of the following at any time within three (3) years  
 10       before becoming a member of the redistricting commission:

11       (A) Elected to a public office.

12       (B) Appointed to a public office.

13       (C) A candidate for a public office.

14       (D) An officer of a political party. For purposes of this  
 15       clause, a precinct committeeman is an officer of a political  
 16       party.

17       (E) An officer of a candidate's campaign for a public office.

18       (F) Employed as a lobbyist of the General Assembly.

19       (4) Not more than two (2) members of the redistricting  
 20       commission may be members of the same political party.

21       (b) Before becoming a member of the commission, an individual  
 22       shall make:

23       (1) the affirmation required by Article 15, Section 4 of this  
 24       Constitution; and

25       (2) an affirmation to:

26       (A) apply the provisions of this article in an honest,  
 27       independent, and impartial manner; and

28       (B) uphold public confidence in the integrity of the  
 29       redistricting process.

30       **Sec. 4. (a) During a year in which a federal decennial census is**  
 31       **conducted, an individual who wants to serve on the redistricting**  
 32       **commission must submit an application to the Judicial Nominating**  
 33       **Commission.**

34       (b) Not later than July 1 of the year in which a federal decennial  
 35       census is conducted, the Judicial Nominating Commission shall  
 36       establish a pool of individuals who are willing to serve on and are  
 37       qualified for appointment to the redistricting commission. The pool  
 38       of candidates must consist of twenty-five (25) nominees, with:

39       (1) ten (10) nominees each affiliated with each of the two (2)  
 40       largest political parties in Indiana; and

41       (2) five (5) nominees who are not affiliated with either of the  
 42       two (2) largest political parties in Indiana.

43       **Sec. 5. (a) Appointments to the redistricting commission shall be**

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made as provided in this section.

(b) Not later than January 31 of the year following a year a federal decennial census is conducted, the following shall each appoint one (1) individual to the redistricting commission from the pool of nominees:

- (1) The Speaker of the House of Representatives.
- (2) The minority party leader of the House of Representatives.
- (3) The President pro tempore of the Senate.
- (4) The minority party leader of the Senate.

If there is more than one (1) minority party represented in the House of Representatives or the Senate, the leader of the minority party with the greatest number of members in the House of Representatives or the Senate is entitled to make the appointment.

(c) If a member of the General Assembly described in subsection (b) fails to make an appointment before February 1 of the year after the year a federal decennial census is conducted, that member forfeits the right to make the appointment. The Judicial Nominating Commission shall make the forfeited appointment from the pool of nominees not later than March 1 of the year after the year a federal decennial census is conducted. The Judicial Nominating Commission shall strive for political balance and fairness in making the appointment.

Sec. 6. (a) Not later than May 1 of the year following a year in which a federal decennial census is conducted, the Secretary of State shall convene the four (4) members of the redistricting commission appointed under section 5 of this article.

(b) The four (4) redistricting commission members shall select the fifth member of the redistricting commission from the pool of nominees who are not affiliated with either of the two (2) major political parties of Indiana. The individual selected under this section serves as the redistricting commission's chair.

(c) If the four (4) members fail to select the fifth member of the redistricting commission not later than fifteen (15) days after the Secretary of State convenes the redistricting commission, the Judicial Nominating Commission shall make the appointment, striving for political balance and fairness.

(d) After the redistricting commission's chair is selected, the redistricting commission may select one (1) of the remaining members to be the vice chair.

(e) A member of the redistricting commission may be removed from office for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office as provided by law for the removal of other public officers.

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1       Sec. 7. (a) If a vacancy occurs on the redistricting commission  
 2       in a position other than the redistricting commission's chair, the  
 3       current holder of the office that made the original appointment  
 4       shall appoint an individual from the pool to fill the vacancy. If the  
 5       current holder of the office that made the original appointment  
 6       fails to fill the vacancy not later than fourteen (14) days after the  
 7       vacancy occurs, the Judicial Nominating Commission shall fill the  
 8       vacancy from the pool of nominees. In filling the vacancy, the  
 9       Judicial Nominating Commission shall strive for political balance  
 10      and fairness.

11      (b) If a vacancy occurs in the position of the redistricting  
 12      commission's chair, the four (4) remaining redistricting  
 13      commission members shall fill the vacancy from the pool of  
 14      nominees who are not affiliated with either of the two (2) major  
 15      political parties of Indiana. If the four (4) remaining commission  
 16      members fail to fill a vacancy in the position of chair not later than  
 17      fourteen (14) days after the vacancy occurs, the Judicial  
 18      Nominating Commission shall fill the vacancy from the pool of  
 19      nominees who are not affiliated with either of the two (2) major  
 20      political parties of Indiana. In filling the vacancy, the Judicial  
 21      Nominating Commission shall strive for political balance and  
 22      fairness.

23      Sec. 8. (a) Three (3) redistricting commission members,  
 24      including the chair or vice chair, constitute a quorum.

25      (b) Three (3) or more affirmative votes are required for the  
 26      redistricting commission to take official action.

27      (c) If a quorum is present, the redistricting commission shall  
 28      conduct business in meetings open to the public. The redistricting  
 29      commission shall give not less than forty-eight (48) hours public  
 30      notice of its meetings.

31      Sec. 9. A redistricting commission member, during the  
 32      member's term of office and for three (3) years after leaving the  
 33      redistricting commission may not serve in an Indiana public office  
 34      or as a paid lobbyist of the General Assembly.

35      Sec. 10. (a) A redistricting commission member's term of office  
 36      expires upon the appointment of the first member of the next  
 37      redistricting commission.

38      (b) The redistricting commission may not meet or incur  
 39      expenses after the redistricting plan is completed, except:

40          (1) if litigation or any government approval of the plan is  
 41          pending; or

42          (2) to revise districts if:

43              (A) required by court decisions; or

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(B) the number of congressional or legislative districts is changed.

Sec. 11. (a) The redistricting commission shall establish congressional and legislative districts.

(b) The redistricting commission shall begin the redistricting process for congressional and legislative districts by creation of districts of equal population in a grid-like pattern across Indiana. The redistricting commission shall then adjust the grid to accommodate the following goals:

(1) Districts must comply with the United States Constitution and other federal law relating to voting rights.

(2) Districts must have equal population, to the extent practicable.

(3) Districts must be geographically compact and contiguous, to the extent practicable.

(4) District boundaries must respect communities of interest, to the extent practicable.

(5) District lines must use visible geographic features, boundaries of political subdivisions, and undivided census tracts, to the extent practicable.

(6) To the extent practicable, competitive districts should be favored where to do so would create no significant detriment to the other goals.

(7) Party registration and voting history data may not be used in drawing maps but may be used to test a map for compliance with this subsection.

(8) The places of residence of incumbents or candidates may not be identified or considered.

(c) The redistricting commission shall advertise a draft map of districts to the public for comment. The public comment period may not be less than thirty (30) days.

(d) During the comment period, the House of Representatives or the Senate, or both, may make recommendations to the redistricting commission by means considered appropriate by either or both houses. The redistricting commission shall consider a recommendation from the House of Representatives or the Senate, or both.

(e) After the comment period ends, the redistricting commission shall establish final district boundaries.

(f) The redistricting commission shall certify to the Secretary of State the establishment of congressional and legislative districts.

Sec. 12. (a) The redistricting commission has standing in legal actions regarding the redistricting plan and the adequacy of

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resources provided for the operation of the redistricting commission.

(b) The redistricting commission has sole authority to select attorneys to represent the redistricting commission and the people of Indiana in the legal defense of a redistricting plan.

Sec. 13. The General Assembly shall provide by law for the following:

(1) A method for determining political affiliation for purposes of this article.

(2) Adequate funding for the redistricting commission.

(3) Other provisions to implement this article that are not inconsistent with this article.

SECTION 3. THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY STRIKING OUT ARTICLE 4, SECTION 5.

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